

installed to a user. In Rive, the computer system 50 is used by the user, but no treating apparatus is used by the user.

In claim 1 of the invention, the fee includes a part, based on the using time, of the entire cost of the treating apparatus. Namely, the fee is calculated by the using time in view of the entire cost. Thus, the treating apparatus of the invention is not leased, and the fee is changed by the using time of the treating apparatus. In Rive, the computer and the support system thereof may be charged by a lease or other periodic fee, which is NOT based on the using time of the apparatus.

Thus, the subject of the system and the fee system thereof in Rive are entirely different from those of the invention.

In the final Action, it was held that Rive does not disclose connecting the treating apparatus to a server on a seller through a communication line, and that Nguyen discloses that the host computer 2 is connected to the measuring apparatus via a data transmission cable 3 having, for example, the RS-232C cable configuration.

In this respect, the data transmission cable simply transmits data between the host computer 2 and the measuring apparatus 1. The data transmission cable 3 in Nguyen does not mean a communication line, such as the internet or telephone line, of the invention.

Also, in Nguyen, as stated at column 5, lines 13-30, when the measuring apparatus is supplied to the user, the lender connects the host computer 2 to the measuring apparatus 1, wherein the lender enters the type of lease and the various use-restricting conditions associated with the entered lease type are set through the host computer 2.

Therefore, Nguyen does not disclose or suggest that the measuring apparatus set in the user and the server set in the seller are connected through the communication line, nor that the measuring apparatus is connected to the server when the measuring apparatus is used.

Although the host computer 2 is connected to the measuring apparatus 1 through the data transmission cable in Nguyen, the system is entirely different from that of the invention. Namely, in Nguyen, the treating apparatus is NOT used upon request from the user and permission of the seller through the communication line; a using time of the treating apparatus is NOT measured by the user through the communication line; and a fee of the treating apparatus is NOT charged based on the using time of the treating apparatus.

Nguyen does not disclose or suggest the features of claim 1 of the invention.

Even if Rive and Nguyen are referred to, it is not suggested that the fee of the treating apparatus includes a part, based on the using time, of an entire cost of the treating apparatus. Therefore, claim 1 is patentable over the cited references.

Rejection to claims 10-15 by Rive in view of Nguyen and Davis

A system of conducting a business with a treating apparatus of claim 10 comprises a terminal connected to the treating apparatus on a user's side, and accounting means. The terminal connects the treating apparatus to a communication line, and the accounting means is installed at a server on a seller's side and connected to the communication line. The accounting means is actuated whenever the treating apparatus is used, calculates a fee according to a using condition of the treating apparatus through the communication line and charges the fee to the user. The fee includes a part, based on the using time, of an entire cost of the treating apparatus. Thus, the charging system is different from rent and lease.

As explained before, in Rive, the computer system is connected through the internet for a corrective operation. Thus, the basic subject, i.e. the treating apparatus installed in the user side is connected to the server through the internet, is not disclosed in Rive.

In Rive, the computer system may be leased to charge a fixed monthly fee, or other periodic fee, or a one-time lump sum payment (column 15, lines 23-32). In the accounting means of claim 10 of the invention, the fee includes a part, based on the using time, of the entire cost of the treating apparatus. The fee system in Rive is lease or other periodic fee, so that the fee system is entirely different from the fee system of the invention.

In Nguyen, as explained before, the host computer 2 is connected to the measuring apparatus 1 only when it is used to enter or remove data representing the contracted conditions into and from the measuring apparatus (column 4, lines 53-58). Although the host computer 2 is connected to the measuring apparatus 1 through the data transmission cable, since the host computer 2 is connected to the measuring apparatus only when the data representing the contracted condition is entered or removed, the system in Nguyen is entirely different from that of the invention.

Davis et al. is directed to a remote print press proofing system having a camera or cameras for digitizing the image, so that the client may see a color corrected digital image. In the system, the time elapsed during the press proof session, the amount of data transmitted from the printers to the clients, the number of still images transmitted and the number of clients connected to a printer can be recorded for invoice (column 5, lines 40-50).

In claim 10 of the invention, the fee to be charged to the user includes a part, based on the using time, of the entire cost of the treating apparatus. The fee system in Davis et al. is based on the amount or number of use. Thus, fee system is entirely different from that of the invention.

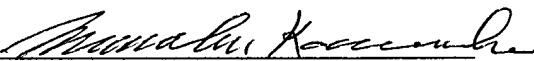
The fee system and the subject using the fee system of claim 10 are not disclosed or suggested in the cited references. Claim 10 is not obvious from the cited references.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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